BILL NO. S-86-03-34

SPECIAL ORDINANCE NO. S-63-86

AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana to delete Chapter 4.5 of the Fort Wayne Municipal Code entitled "Airports and Aircraft" in its entirety.

WHEREAS, the Fort Wayne Municipal Code is in need of revision; and

WHEREAS, Chapter 4.5 of the Fort Wayne Municipal Code entitled "Airports and Aircraft" has been reviewed by its enforcing agent, the Airport Authority; and

WHEREAS, Chapter 4.5 of the Fort Wayne Muncipal Code entitled "Airports and Aircraft" has been determined to be covered under State and Federal Laws:

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 4.5 of the Fort Wayne Muncipal Code entitled "Airports and "Aircraft" is now deleted in its entirety.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the mayor.

Mark E. Giaquinta

COUNCILMEMBER

APPROVED AS TO FORM
AND LEGALITY

Stanley A. Levine

Stanley A. Levine
Attorney for Common Council

Read the first time in full and on motion by DiaQuinta, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee Ad Hoc (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,E.S

DATE: 3-25-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8			1	
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA				✓	
HENRY	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 4-8-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (~~ZONING~~ MAP) ORDINANCE (~~RESOLUTION~~) NO. S-63-86 on the 8th day of April, 19 86,

ATTEST: Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 19 86, at the hour of 1:00 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10th day of April, 19 86, at the hour of 10 o'clock A .M.,E.S.T.

WIN MOSES, JR., MAYOR

Chapter 4.5

AIRPORTS AND AIRCRAFT

Article I. In General

§§ 4.5-1—4.5-20. Reserved.

Article II. Airport Zoning

§ 4.5-21. Restricted zone established.
§ 4.5-22. Height of structures, etc.
§ 4.5-23. Acquisition by condemnation.
§ 4.5-24. Restricted condemnation power; adoption of federal regulations.
§§ 4.5-25—4.5-30. Reserved.

Article III. Airport Authority

§ 4.5-31. Established.
§ 4.5-32. Powers.
§ 4.5-33. Certification required.

ARTICLE I. IN GENERAL

Secs. 4.5-1—4.5-20. Reserved.

ARTICLE II. AIRPORT ZONING*

Sec. 4.5-21. Restricted zone established.

The land and air space within a distance of one mile from all directions of the boundaries of Smith Field Airport owned by the City of Fort Wayne, the legal description of which airport is as follows:

(1) The south fifty (50) acres of the east half (½) of the southwest quarter (¼) of Section 11, Township 31 North, Range 12 East, excepting therefrom the right-of-way of the Railroad Company, Allen County, Indiana;

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*Editor's note—Ord. No. S-202-78, §§ 1—4, adopted Nov. 14, 1978, did not specifically amend the Code. Codification herein as Art. II of Ch. 4.5, §§ 4.5-21—4.5-24 was, therefore, at the discretion of the editor.

Cross reference—Zoning, Ch. 33.

(2) The north thirty (30) acres of the northeast quarter (¼) of the southwest quarter (¼) of Section 11, Township 31 North, Range 12 East, except therefrom the right-of-way of the Fort Wayne, Jackson and Saginaw Railroad Company;

(3) Rousseau's Truck Farm Addition according to a plat recorded in Plat Book 7, Page 106, being a subdivision of and including all of the northwest quarter (¼) of Section 14, Township 31 North, Range 12 East, lying west of the Lake Shore and Michigan Southern Railroad;

(4) The east one thousand forty-four and two tenths (1044.2) feet of the northeast quarter of Section 15, Township 31 North, Range 12 East in Allen County, Indiana,

is hereby established as a restricted zone under Section 9 of the Airport Act of 1945, as amended (I.C. 19-6-1-10). (Ord. No. S-202-78, § 1, 11-14-78)

Sec. 4.5-22. Height of structures, etc.

Within such zone so established, no building or other structure shall be erected high enough to interfere with the descent of an aircraft at such gliding angle as may be deemed in the opinion of the board of aviation commissioners of said city to be necessary and practicable for safety for the usual type of the operation that is conducted at such airport or landing fields thereon. (Ord. No. S-202-78, § 2, 11-14-78)

Sec. 4.5-23. Acquisition by condemnation.

The board of aviation commissioners of the City of Fort Wayne, may, in the name of the City of Fort Wayne, acquire by condemnation, upon the payment of due compensation as provided in the Airport Act of 1945, the right to prevent the erection of, and to require the removal of all buildings, towers, poles, wires, cables, and other structures, and all trees within such zone or zones, which interfere with such gliding angle

or so much of any structure or trees as interfere with such gliding angle; and, when so condemned, no permit by any department or office of said city, by any state or other authority for the erection of any structure inside any such zone or zones shall be effective and valid, unless approved by the board of aviation commissioners of the City of Fort Wayne. (Ord. No. S-202-79, § 3, 11-14-78)

Sec. 4.5-24. Restricted condemnation power; adoption of federal regulations.

The board of aviation commissioners shall exercise no power of condemnation within such zones with respect to any building, tower, poles, wires, cables, or other structures, or any trees, if the location and dimensions of any such building, tower, poles, wires, cables, or other structures, or any trees, do not constitute obstructions to the gliding angle of aircraft and approaches to the airport located within such zones according to the standards set forth in Sub-part C of Part 77 of the Federal Aviation Regulations, as amended, published by the United States Department of Transportation, Federal Aviation Administration, January 1975, which by attachment and reference is hereby made a part of this article, and a copy of which shall be maintained at the office of the [clerk of the] City of Fort Wayne, Indiana. (Ord. No. S-202-78, § 4, 11-14-78)

Secs. 4.5-25—4.5-30. Reserved.

ARTICLE III. AIRPORT AUTHORITY*

Sec. 4.5-31. Established.

Pursuant to IC 8-22-3-1 there is hereby established the Fort Wayne airport authority. This authority shall have jurisdiction over a district with boundaries conterminous with the jurisdic-

*Editor's note—Ord. No. G-06-85, adopted March 14, 1985, being nonamendatory of the Code, §§ 1 and 2 have been codified as Art. II at the editor's discretion.

tional boundaries of the City of Fort Wayne. (Ord. No. G-06-85, § 1, 3-14-85)

Sec. 4.5-32. Powers.

The Fort Wayne airport authority shall have all of those powers, responsibilities, privileges and duties as provided in IC 8-22-3-1 et seq. and all provisions of IC 8-22-3-1 et seq. shall be followed including but not limited to the appointment of board members as provided in IC 8-22-3-4(a); IC 8-22-3-6(a); and IC 8-22-3-9. (Ord. No. G-06-85, § 2, 3-14-85)

Sec. 4.5-33. Certification required.

It is noted that the Fort Wayne airport authority is hereby established as provided in the language of IC 8-22-3-1. However, the city shall, pursuant to IC 8-22-3-2 receive a certification from the clerk of the Allen circuit court as to the fact that a remonstrance has not been filed as required by law or the question of a final establishment of an airport authority shall be submitted to the voters of the city, all as provided by law for the protection of and input from the citizens of this community. (Ord. No. G-06-85, § 3, 3-14-85)

BILL NO. S-86-03-34

REPORT OF THE COMMITTEE ON AD HOC COMMITTEE - FORT WAYNE MUNICIPAL CODE OF 1974

WE, YOUR COMMITTEE ON AD HOC COMMITTEE - FORT WAYNE MUNICIPAL CODE OF 1974 TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ XXXXXXXXXX of the Common Council of the City of Fort Wayne, Indiana to delete Chapter 4.5 of the Fort Wayne Municipal Code entitled "Airports and Aircraft" in its entirety

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ XXXXXXXXX UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~ XXXXXXXXX

YES

NO

CONCURRED IN 4-8-86

SANDRA E. KENNEDY
CITY CLERK